

REMARKS

The pending final Office Action addresses and rejects claims 1-9, 12-31, 33-39, 41, and 42. Reconsideration is respectfully requested.

Amendments

Per a previous suggestion made by the Examiner, Applicants amend independent claims 1, 13, 24, 36, 41, and 42 to replace some of the functional language with structure.

In particular, independent claims 1, 13, and 24 are amended to recite that the connecting element is pivotally disposed in an opening in the base plate, and that a clamp or support base is disposed within an opening in the connecting element. Support for this amendment can be found throughout the specification, for example, in paragraphs 0023 and 0024 of the published application.

Independent claim 36 is amended to recite that the second member is coupled to the first member by a ball-and-socket connection such that pivotal movement is allowed between the first and second members. Claim 36 is also amended to recite a plurality of compression elements spaced a distance apart from the ball-and-socket connection. Support for the amendment to independent claim 36 can be found throughout the specification, for example, in paragraph 0023 of the published application.

Independent claim 41 is amended to recite that the first member has an upper surface with an elongate configuration shaped to support a foot. Claim 41 is also amended to recite an anti-rotation mechanism formed within the ball-and-socket interface and adapted to prevent rotation while allowing pivotal movement of the first member relative to the second member. Support for this amendment can be found throughout the specification, for example, in paragraph 0026 of the published application.

Independent claim 42 is amended to recite that the first and second members are substantially elongate planar members, and that the first member has at least one mating element for engaging a foot. Support for this amendment can be found in the throughout the specification, for example, in paragraph 0022 of the published application, and in the drawings.

Dependent claims 3, 4, 14, 17, 18, 20, and 23 are amended to correspond to the amendments made to the independent claims.

Applicants cancel claims 2, 29-31, 33-35, and 37. Applicants reserve the right to pursue these claims in a continuation application.

No new matter is added.

Rejection Pursuant to 35 U.S.C. §112

Claims 1-9, 12-31, 33-39, and 41 are rejected pursuant to 35 U.S.C. §112, first paragraph, as failing to comply with the enablement requirement. The Examiner submits that the disclosure does not establish the effects of any element on translational movement. While Applicants disagree, as the support ring prevents translational and rotational movement, the amendments submitted herewith obviate the basis for this rejection. Accordingly, withdrawal of this rejection is respectfully requested.

Claim Rejections Pursuant to 35 U.S.C. 102(b)

U.S. Patent No. 4,740,804 of Shands

The Examiner rejects claims 29-31, 33-38, 41, and 42 pursuant to 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 4,740,804 of Shands. Applicants note that claims 29-31 and 33-35 are cancelled, thereby obviating the basis for this rejection with respect to these claims. Applicants respectfully disagree with the Examiner's rejection over remaining claims 36-38, 41, and 42.

Independent claim 36 recites a plurality of compression elements positioned between first and second members and spaced a distance apart from a ball-and-socket connection coupling the first and second members. Shands does not teach or even suggest compression elements spaced apart from a ball-and-socket connection. Shands is merely directed to a mount for attaching a flash to a camera. While the mount includes a spring, the spring is disposed within the ball-and-socket connection. The device does not include any additional springs that are spaced apart from the ball-and-socket connection. Shands also fails to teach a member that is adapted to support a foot, as further required by claim 36. Accordingly, independent claim 36 distinguishes over Shands and represents allowable subject matter. Claims 37-38 are allowable at least because they depend from allowable claim 36.

Independent claim 41 recites a first member having an upper surface with an elongate configuration shaped to support a foot. Shands does not teach or even suggest any member having

an elongate configuration that is shaped to support a foot. To the contrary, Shands is directed to an assembly for mounting a flash on a camera. The assembly has a generally cylindrical configuration. Claim 41 also requires an anti-rotation mechanism formed within a ball-and-socket interface to prevent rotation while allowing pivotal movement of the first member relative to the second member. The only element in Shands that may prevent rotation is the locking means 29, which is shown in FIG. 1. This locking means 29 is merely a cap that is disposed around the ball-and-socket connection and that clamps down on the ball-and-socket connection to lock it in a fixed position. The locking means is not formed within the ball-and-socket mechanism, and it does not prevent rotation while allowing pivotal movement. Accordingly, independent claim 41 distinguishes over Shands and represents allowable subject matter.

Independent claim 42 also distinguishes over Shands. Claim 42 recites a first substantially elongate planar member having at least one mating element for engaging a foot, and a second substantially elongate planar member that is connected to the first member by a support ring. Shands is directed to a camera mount, and thus does not include any features, such as a mating element, for engaging a foot. Shands also fails to teach first and second substantially elongate planar members that are mated to one another. The mount has a generally cylindrical configuration, and thus is not substantially elongate nor planar. Accordingly, independent claim 42 distinguishes over Shands and represents allowable subject matter

Claim Rejections Pursuant to 35 U.S.C. 103(a)

Claims 1-5, 9, 12, 14-17, 19, 20, and 22-28 are rejected pursuant to 35 U.S.C. 103(a) as being obvious over Humbel in view of U.S. Patent No. 6,428,032 of Acuna, Jr. (“Acuna”), and claims 6-8 and 21 pursuant to 35 U.S.C. 103(a) as being obvious over Humbel in view of Acuna, and further in view of U.S. Patent No. 5,971,419 of Knapschafer.

Independent claims 1 and 24 each recite a base plate having an opening extending therethrough, a connecting element pivotally disposed within the opening, and a clamp (claim 1) or support base (claim 24) disposed within or through the connecting element for mating to a recreational riding device of elongate board member. Neither Humbel, Acuna, nor Knapschafer teach or even suggest a base plate having an opening formed therethrough that pivotally receives a connecting element. Humbel discloses a connecting element 7 that is positioned underneath the base plate 15, and that sits within and is fixed relative to a fastening plate 4. Acuna’s base plate likewise

does not have an opening that pivotally seats a connecting element. The top disc 13 in Acuna sits within and engages a circular cavity 20 in the main body and cannot pivot. Knapschafter likewise does not teach the claimed invention. This reference is merely relied on to teach compression elements, and does not teach the claimed structure.

Accordingly, none of the references teach or even suggest the claimed invention. Independent claims 1 and 24, as well as claims 2-9, 12, 14-17, 19-23, and 25-28 which depend therefrom, therefore distinguish over Humbel, Acuna, and Knapschafter, taken alone or combined, and represent allowable subject matter.

Conclusion

In conclusion, Applicants submit that all pending claims are now in condition for allowance, and allowance thereof is respectfully requested.

Respectfully submitted,

Date: February 3, 2006


Lisa Adams
Reg. No. 44,238
Attorney for Applicants

NUTTER, McCLENNEN & FISH, LLP
World Trade Center West
155 Seaport Boulevard
Boston, MA 02110
Tel: (617) 439-2550
Fax: (617) 310-9550

1501922.1